

REMARKS

Applicants previously presented claims 1-21 and 23-36 for examination. In the above-identified Office Action, all of the claims have been rejected.

Before addressing issues raised in the Office Action, Applicants would like to respond to the above-identified subsequent Communication. The Communication stated that "[t]he scheduling entity being a third party other than the user or service provider also outside of the scope of the invention recited in the specification and in the drawing." Applicants respectfully disagree. Numerous areas in the specification provide support for the "scheduling entity being a third party other than the user or service provider." For example, Applicants teach that "another aspect of the invention pertain to a method of doing business. The business method provides free on-line calendars and on-line appointment setting capabilities to consumers and provides fee-based calendars and on-line appointment accepting capabilities to service providers. For example, service providers could pay a monthly fee."¹ In this embodiment, the consumers do not have to pay the entity providing the scheduling (the "scheduling entity"), while the service providers have to pay the entity. As such, the statement in the subsequent Communication is incorrect.

Applicants appreciate the Examiner's detailed comments and helpful suggestions to the above-identified application. For the reasons to be stated below, however, Applicants respectfully traverse the Examiner's rejections in the Office Action.

By this amendment, Applicants have (a) amended claims 1, 9, 12, 13, 14, 20, 25 and 29 to further clarify the subject matter regarded as the invention; and (b) added new claim 37. Accordingly, claims 1-21 and 23-37 remain pending. Reconsideration is respectfully requested based on the following remarks.

The Office Action rejected claims 1-21 and 23-36 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,389,454 by Ralston et al. (hereinafter referred to as "Ralston") in view of U.S. Patent No. 6,167,379 by Dean et al. (hereinafter referred to as "Dean"). Applicants respectfully disagree.

¹ Page 43, lines 6-10

In general, Dean relates to updating a calendar in a portable organizer. There is a computer 32 and the portable organizer 10. A user of the portable organizer maintains a calendar on both. "Typically, the office assistant will receive a request to schedule an appointment with the user. The assistant will consult the version of the user's calendar supported by the computer 32 to determine a possible meeting time.... Upon determining a feasible meeting time, the assistant transmits a proposed scheduling update to the organizer 10."²

"Upon receiving the proposed scheduling update information, ... [t]he user is able to compare the proposed update with the schedule for the date of the proposed meeting to determine if any conflict exists. If a conflict exists, the user might choose to reject the proposed update, or the user might choose to enter the update and reschedule the previously scheduled meeting."³

Dean does not teach or suggest numerous limitations in Applicants' independent claims 1, 12, 14, 20, 25 and 29. For example, it does not teach or suggest automatically or semi-automatically making appointments between or among a number of parties through the Internet, let alone the additional limitations of (a) the method/system implemented by an entity independent of the parties, and (b) a party able to schedule an appointment through any computer as long as the computer can access the Internet.

In general, Ralston is on a system for a patient to schedule appointments that utilize a plurality of services at a multitude of facilities. Ralston's scheduling method includes

"receiving a packet of client information from a client, the client information including personal data, service data, client appointment preference data, and payment data;

comparing the service data to a set of service constraints in order to determine any limitations on the scheduling of the appointment;

inputting the client information into a scheduling server;

verifying the client information;

² Col. 4, lines 8-13.

³ Col. 4, lines 24-35.

generating a predetermined number of appointment candidates based upon an analysis of the client information and the appointment scheduling limitations;

communicating the appointment candidates to the client;

generating an appointment based upon the client's selection of one of the appointment candidates;

generating appointment information related to the appointment, the appointment information including the client information, the service constraints, an appointment date, an appointment time, the identity of the available facility, and the resources to be utilized;

reporting at least a portion of the appointment information to the client and all of the client information to the available facility; and

confirming the appointment in the scheduling server."⁴

Not only does Ralston not "disclose displaying said data in a calendar format" (as correctly pointed out in the Office Action), Ralston also does not teach or suggest (a) the method/system implemented by an entity independent of the parties in the appointment; particularly when (b) a party can schedule an appointment through any computer as long as the computer can access the Internet.

In Ralston, the appointment process is implemented or managed by an organization with multiple facilities, affiliated to service providers. Ralston teaches that "a preferred embodiment the scheduling system 10 of the present invention allows a client 20 to contact, via computer implementation, any one of an organization's 30, 40, 50 multiple facilities 35, 45, 55 to schedule an appointment."⁵ "An organization 30, 40, 50 is the service provider whose multiple facilities 35, 45, 55 are accessible using the computer-implemented scheduling system 10 of the present invention."⁶ "Access to each organization's 30, 40, 50 collective scheduling information begins at the scheduling system's 10 central schedule servers 80."⁷

Ralston teaches an embodiment with multiple organizations, but those organizations are under a parent organization. "In an alternative embodiment of the

⁴ Abstract.

⁵ Col. 4, lines 8-13, with emphasis added.

⁶ Col. 4, lines 18-21, with emphasis added.

⁷ Col. 4, lines 35-37, with emphasis added.

scheduling system of the present invention, the client 20 can access multiple organizations 30, 40, 50 for the purpose of scheduling appointments at any of the multiple organizations' multiple facilities 35, 45, 55.... Under such a scenario, the various organizations' 30, 40, 50 scheduling information is compiled in a consolidation server 60.”⁸ Referring to the figures, it is not clear what the number 60 refers to. However, the term “consolidation server” is shown inside the circle 90, which is labeled as “Parent organization of org 1 and 2(N).” In other words, Ralston's scheduling process is implemented and/or managed by an organization or a parent organization of multiple organizations, affiliated with the service providers.

Thus, Ralston does not teach or suggest its process being implemented by an entity being independent of the parties in the appointment.

In addition, Ralston does not teach or suggest a party being able to schedule an appointment through any computer as long as the computer can access the Internet with a browser. The Office Action disagreed, stating that Ralston teaches the receiving of client information being accomplished via the Internet.⁹ But, a system that can receive information via the Internet is totally different from a system that allows scheduling an appointment through any computer as long as the computer can access the Internet.

In Ralston, the appointment system is managed by an organization, or a parent organization affiliated with the service providers. In contrast, the system/method of Applicants' independent claims 1, 12, 14, 20, 25 and 29 is managed by a third independent entity, and it allows any one to schedule an appointment through any computer as long as the computer can access the Internet. No such limitations or versatility has been taught or suggested by Ralston.

It is submitted that neither Dean nor Ralston overcomes the deficiencies noted above. Furthermore, there is no motivation to combine Dean and Ralston in the manner that the Office Action proposes to reject the independent claims 1, 12, 14, 20, 25 and 29. Thus, Dean and Ralston do not, individually or in any combination, teach or suggest the claimed invention under those independent claims. Similarly, dependent claims 2-8; 15-19; 21, 23 and 24; 26-28; and 30-36; respectively depend from claims 1, 12, 14, 20, 25

⁸ Col. 7, lines 21-35, with emphasis added.

⁹ Col. 3, line 43.

and 29, and are, therefore, also not taught or suggested by Dean and Ralston for at least the reasons noted above.

As to independent claims 9 and 13, Ralston teaches that once "the central scheduling server 80 generates the appointment scheduling limitations, the limitations and the client appointment preferences are utilized in order to generate a predetermined number of appointment candidates. The central scheduling server 80 communicates the requests to the remote schedule servers 38, 48, 58.... Each remote schedule server 38, 48, 58 generates appointment candidates"¹⁰ "The scheduling server 80 then communicates the various appointment candidates directly to the client 20. If the client 20 wishes to select one of the appointment candidates, the client 20 so notifies the scheduling server 80."¹¹ Such a process is different from the limitations under claims 9 and 13.

In claims 9 and 13, the process/computer readable medium includes the limitations of (a) transmitting a list of service providers to the user, (b) receiving a request for appointment of one of them, (c) determining available time slots for that service provider, (d) transmit the time slots to the user, and (e) receive a time slot for appointment. In Ralston, based on client information, a number of appointment candidates are generated. The client makes a selection, and an appointment is scheduled. In distinct contrast, under claims 9 and 13, after selecting the service provider, available time slots are determined, and transmitted for the user to pick before an appointment can be made. Ralston does not teach or suggest such limitations.

As for the limitations related to the user's electronic calendar, such as (a) transmitting to a user, an electronic calendar of the user's, (b) updating the user's electronic calendar with the appointment, and (c) updating an electronic calendar for that service provider with the appointment, Applicants agree with the Office Action that Ralston does not provide such teachings.

As to limitations in claims 9 and 13 under the wherein clause, the Office Action cited Col. 6, lines 31-51 of Ralston to support its rejection. That section is on the client performing certain actions at the client's initiative. The limitations under the wherein

¹⁰ Col. 5, lines 17-25

¹¹ Col. 5, lines 63-67

clause pertain to asking the client to perform certain actions. Moreover, in Ralston, the client's information is entered before an appointment can be set, and the system does not ask for client information afterwards. Here, the claimed limitation is on client information being entered after an appointment is set. As to the inherency of the addition of new information, again Applicants need to point out that the present limitations are related to asking the user to enter information, not the user adding information at the user's initiative.

Regarding Dean, there are no teachings or suggestions of numerous limitations in claims 9 and 13, including (a) transmitting a list of available service providers to the user, (b) receiving a request for appointment availability of one provider, (c) determining available time slots for that provider, (d) transmitting the available time slots to the user, (e) receiving a time slot selection to establish an appointment, and (f) requesting the user to enter information for the appointment after the appointment at the selected time slot is set.

As a result, regarding claims 9 and 13, it is submitted that neither Dean nor Ralston overcomes the deficiencies noted above. Furthermore, there is no motivation to combine Dean and Ralston in the manner that the Office Action proposes. Thus, Dean and Ralston do not, individually or in any combination, teach or suggest the invention under claims 9 and 13. Similarly, claims 10 and 11 depend from claim 9 and are, therefore, also not taught or suggested by Dean and Ralston for at least the reasons noted above.

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Based on the foregoing, it is submitted that claims 1, 9, 12, 13, 14, 20, 25 and 29 are patentably distinct from Ralston and/or Dean. In addition, it is submitted that dependent claims 2-8, 10, 11, 15-19, 21, 23, 24, 26-28 and 30-36 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Ralston and/or Dean. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-21 and 23-36 under 35 USC § 103(a). Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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